

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 5279 of 2007(C)

PETITIONER:

**V.P. BEERANKUTTY, URALIKUTH PALOOR,
P.O.ALLY, MUKKOM, KOZHIKODE.**

BY ADV. SRI.P.RAVINDRAN.

RESPONDENTS:

- 1. REGIONAL TRANSPORT AUTHORITY,
REP. BY ITS SECRETARY, KOZHIKODE.**
- 2. SECRETARY, REGIONAL TRANSPORT
AUTHORITY, KOZHIKODE.**

BY GOVT. PLEADER SMT. N. SUDHADEVI.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.5279/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE APPLICATION PERMIT DTD. 10/04/2006.

EXT.P.2: COPY OF THE PERMIT DTD. 24/08/2001.

EXT.P.3: COPY OF THE DECISION OF THE R.T.A. DTD. 15/07/2006.

//TRUE COPY//

prv.

M.N.KRISHNAN, J.

W.P.(C) No.5279 OF 2007

Dated this the 14th day of February, 2008

J U D G M E N T

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This writ petition is preferred against the order of the Subordinate Judge, Irinjalakuda in E.A.No.208/2008 in E.P.No.23/04 in O.S.No.158/1998. It was an application filed by the receivers appointed in the case and the court by its order dated 2.2.2008 had restrained the 8<sup>th</sup> respondent till 23.2.2008 from conducting any construction work in the petition 'C' schedule or from obstructing the temple authorities from entering 'B' schedule in the petition for the rituals of the temple .

2. I feel that the court had taken into consideration the factum of a festival which commenced on 11.2.2008 and culminates on 23.2.2008. The more serious question that have to be adjudicated including the jurisdiction of the court to pass such an order or the maintainability of such a petition filed by the receiver had not been elaborately considered by the court. At the most this order can be termed as only an interim arrangement till the festival functions are over, till 23.2.2008.

3. Therefore, I direct the court below not to close the E.A. on the basis of the order which is passed but to consider the entire matter afresh after 23.2.2008 including the competency of the receivers to file such an application and the jurisdiction of the court to decide the matter after hearing all concerned and pass appropriate orders.

The writ petition is disposed of accordingly.

**(M.N.KRISHNAN, JUDGE)**

**ps**